

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0053

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to FALL RIVER-PROSTITUTION.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-23-1 be amended to read as follows:

4 22-23-1. Any person who:

5 ~~—(1)— Is an inmate of a house of prostitution or otherwise engages in or offers to engage in~~
6 sexual activity for a fee; ~~or~~

7 ~~—(2)— Loiters in or within view of any public place for the purpose of being hired to engage~~
8 ~~in sexual activity~~; is guilty of prostitution. Prostitution is a Class 1 misdemeanor.

9 Section 2. That § 22-23-1.1 be amended to read as follows:

10 22-23-1.1. As used in this chapter:

11 ~~—(1)— The the term, sexual activity, shall have the same meaning as the term, references~~
12 ~~both sexual penetration, as defined in § 22-22-2, and sexual contact, as defined in~~
13 ~~§ 22-22-7.1;~~

14 ~~—(2)— A house of prostitution is any place where sexual activity or promotion of sexual~~
15 ~~activity is regularly carried on by one or more persons for a fee, under the control,~~
16 ~~management, or supervision of another;~~



1 ~~— (3) — An inmate is a person who engages in sexual activity for a fee in or through the~~
2 ~~agency of a house of prostitution;~~

3 ~~— (4) — Public place, means any place to which the public or any substantial group thereof~~
4 ~~has access.~~

5 Section 3. That § 22-23-2 be amended to read as follows:

6 22-23-2. Any person who:

7 (1) Encourages, induces, procures, or otherwise purposely causes another to become or
8 remain a prostitute;

9 (2) Promotes the prostitution of a minor; or

10 (3) Promotes the prostitution of his or her spouse, child, ward, or ~~any person for whose~~
11 ~~care, protection, or support he is responsible~~ other dependant person;

12 is guilty of promoting prostitution. Promoting prostitution is a Class 5 felony.

13 Section 4. That § 22-23-4 be repealed.

14 ~~— 22-23-4. On the issue whether a place is a house of prostitution the following shall be~~
15 ~~admissible evidence:~~

16 ~~— (1) — Its general reputation;~~

17 ~~— (2) — The reputation of the persons who reside in or frequent the place; and~~

18 ~~— (3) — The frequency, timing, and duration of visits by nonresidents.~~

19 ~~— Testimony of a person against his or her spouse shall be admissible to prove offenses under~~
20 ~~this chapter.~~

21 Section 5. That § 22-23-8 be amended to read as follows:

22 22-23-8. Any person who:

23 (1) Solicits another person to patronize a prostitute;

24 (2) Procures a prostitute for a patron;

1 (3) Transports a person into or within this state to ~~promote that person's engaging~~ engage
2 in prostitution, or procures or pays for transportation for that purpose;

3 (4) Knowingly permits a place owned, managed, supervised, or controlled by himself or
4 herself, alone, or in association with others, to be regularly used for prostitution or
5 the promotion of prostitution, or fails to make reasonable effort to abate such use by
6 ejecting the tenant, notifying law enforcement authorities, or using other legally
7 available means; or

8 (5) Solicits, receives, or agrees to receive any benefit for doing or agreeing to do
9 anything ~~forbidden~~ prohibited by this section;

10 is guilty of a Class 6 felony.

11 Section 6. That § 22-23-9 be amended to read as follows:

12 22-23-9. Any person who hires or attempts to hire another person for a fee to engage in
13 sexual activity, ~~or enters or remains in a house of prostitution for the purpose of engaging in~~
14 ~~sexual activity~~, is guilty of a Class 1 misdemeanor.